

APPEAL NO. 031369
FILED JULY 14, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 30, 2003. The hearing officer resolved the disputed issues by deciding that the respondent's (claimant) compensable injury does extend to include the diagnosis of lumbar sprain, and that the claimant had disability from July 17, 2002, and continuing through the date of the hearing. The appellant (carrier) appealed, arguing that the hearing officer's determinations are against the great weight and preponderance of the evidence. The claimant responded, urging affirmance.

DECISION

Affirmed.

The claimant testified that on _____, he felt a pulling sensation and pain to his left groin area and lower back as he lifted heavy doors while in the course and scope of his employment. The claimant sought medical treatment on _____, and was diagnosed with a "trunk strain, inguinal." The parties stipulated that the claimant sustained a compensable injury on _____, and it is undisputed that the carrier accepted that the compensable injury of _____, extends to and includes the left inguinal hernia. The claimant testified that he was released to light duty with restrictions, however, he sought medical treatment many times because he continued to have pain to his groin area and back. The claimant changed treating doctors to Dr. G because his groin and back pain were not improving. A medical report dated July 17, 2002, reflects that Dr. G diagnosed the claimant with a "left lower abdominal quadrant injury and lumbar sprain/strain." Dr. G restricted the claimant from all work as of July 17, 2002, due to his compensable injury. The claimant contends that his compensable injury of _____, extends to and includes a lumbar sprain, and that he has disability from July 17, 2002, and continuing through the date of the hearing.

Extent of injury and disability are questions of fact. It was for the hearing officer, as the trier of fact, to resolve the conflicts and inconsistencies in the evidence and to determine what facts had been established. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). This is equally true regarding medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The trier of fact may believe all, part, or none of the testimony of any witness. Taylor v. Lewis, 553 S.W.2d 153, 161 (Tex. Civ. App.-Amarillo 1977, writ ref'd n.r.e.); Aetna Insurance Co. v. English, 204 S.W.2d 850 (Tex. Civ. App.-Fort Worth 1947, no writ). The hearing officer was persuaded by the claimant's testimony and medical evidence that the claimant's compensable injury of _____, extends to and includes the lumbar sprain, and that the claimant had disability from July 17, 2002, to the date of the hearing. In

view of the evidence presented, we cannot conclude that the hearing officer's determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **GREAT AMERICAN ALLIANCE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Veronica Lopez-Ruberto
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Margaret L. Turner
Appeals Judge